

DR. AMBEDKAR: THE PRINCIPAL ARCHITECT OF THE CONSTITUTION OF INDIA

PART I

From Dr. Ambedkar's entry into the Constituent Assembly to
the presentation of the Draft of the Indian Constitution to the
Constituent Assembly

PART I Continued---

CHAPTER II –Parliament

20

GENERAL

Constitution of Parliament.	66. There shall be a Parliament for the of Parliament, which shall consist of the President and two to be known respectively as the Council of and the House of the People.	25
Composition of Houses of Parliament.	<p>67</p> <p>(1) The Council of States shall consist of two hundred and fifty members of whom—</p> <p>(a) fifteen members shall be nominated by the President in the manner provided in clause (2) of this article; and</p> <p>(b) the remainder shall be representatives of the States:</p> <p>Provided that the Total number of representatives of the States for the time being specified in Part III of the First Schedule shall not exceed forty per cent of this remainder.</p> <p>* (2) The members to be nominated by the President under sub-clause (a) of clause (1) of this article shall consist of persons having special knowledge or practical experience in respect of such matters as the following, namely,—</p> <p>(a) literature, art, science and education;</p> <p>(b) agriculture, fisheries and allied subjects;</p> <p>(c) engineering and architecture;</p> <p>(d) public administration and social services.</p> <p>(3) The representatives of each State for the time</p>	<p>30</p> <p>35</p> <p>5</p> <p>10</p>

	<p>being specified in Part I or Part III of the First Schedule in the Council of States shall—</p> <p>a) where the legislature of the State has two Houses, be elected by the members of Lower House;</p> <p>b) Where the Legislature of the State has only one House, be elected by the elected members of that House; and</p> <p>c) where there is no House of the Legislature for the State, be chosen in such manner as Parliament may by law prescribe.</p> <p>(4) The representatives of the States for the time "being specified in Part II of the First Schedule in the Council of States shall be chosen in such manner as Parliament may by law prescribe.</p> <p>(5) (a) Subject to the provisions of articles 292 and 293 of this Constitution, the House of the People shall consist of not more than five hundred representatives of the people of the territories of the States directly chosen by the voters.</p> <p>(b) For the purpose of sub-clause (a), the States of India shall be divided, grouped or formed into territorial constituencies and the number of representatives to be allotted to each such constituency shall be so determined as to ensure that there shall be not less than one representative for every 750,000 of the population and not more than one representative for every 500,000 of the population: Provided that the ratio of the Total number of representatives of the States for the time being specified in Part III of the First Schedule to their Total population shall not be in excess of the ratio of the Total number of representatives of the States for the time being specified in Parts I and II of that Schedule to the Total population of such States.</p> <p>(c) The ratio between the number of members to be elected at any time for each territorial constituency and the population of that constituency as ascertained at the last preceding census shall, so</p>	<p>20</p> <p>25</p> <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p>
--	--	--

	<p>far as practicable, be the same throughout India.</p> <p>(6) The election to the House of the People shall be on the basis of adult suffrage; that is to say, every citizen who is not less than twenty-one years of age and is not otherwise disqualified under this Constitution or under any Act of Parliament on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice shall be entitled to be registered as a voter at such elections.</p> <p>(7) Parliament may, by law, provide for the representation in the House of the People of territories other than States.</p> <p>(8) Upon the completion of each census the representation of the several States in the Council of States and of the several territorial constituencies in the House of the People shall, subject to the provisions of article 289 of this Constitution, be readjusted by such authority, with effect from such date as law, determine.</p> <p>(9) When States for the time being specified in Part III of the First Schedule are grouped together for the purpose of returning representatives to the Council of States, the entire group shall be deemed to be a single State for the purposes of this article.</p>	<p>35</p> <p>40</p> <p>5</p>
<p>Duration of Houses of Parliament.</p>	<p>68.</p> <p>(1) The Council of States shall not be subject to dissolution, but as nearly as possible one-third of the members thereof shall retire as soon as may be on the expiration of every second year in accordance with the provisions made in that behalf by Parliament by law.</p> <p>(2) The House of the People, unless sooner dissolved, shall continue for five years from the date appointed for its first meeting and no longer, and the expiration of the said period of five years shall operate as the dissolution of the House: Provided that the said period may, while a Proclamation of Emergency is in operation, be extended by the President for a period not</p>	<p>10</p> <p>15</p> <p>20</p>

	<p>exceeding one year at a time and not extending in any case beyond a period of six months after the Proclamation has ceased to operate.</p>	25
<p>Sessions of Parliament, prorogation & dissolution.</p>	<p>69.</p> <p>(1) The Houses of Parliament shall be summoned to meet twice at least in every year, and six months shall not intervene between their last sitting in one session and the date appointed for their first sitting in the next session.</p> <p>(2) Subject to the provisions of this article, the President may from time to time—</p> <p>(a) summon the Houses or either House of Parliament to meet at such time and place as he thinks fit;</p> <p>(b) prorogue the Houses;</p> <p>(c) dissolve the House of the People.</p>	30 35
<p>Rights of President to address & send messages to Houses.</p>	<p>70.</p> <p>(1) The President may address either House of Parliament or both Houses assembled together, and for that purpose require the attendance of members.</p> <p>(2) The President may send messages to either House of Parliament, whether with respect to a Bill then pending in Parliament or otherwise, and a House to which any message is so sent shall with all convenient despatch consider any matter required by the message to be taken into consideration.</p>	5 10
<p>Special address by the President at the commencement of each session of Parliament & discussion in</p>	<p>71.</p> <p>(1) At the commencement of every session the President shall address both Houses of Parliament assembled together and inform Parliament of the causes of its summons.</p> <p>(2) Provision shall be made by the rules regulating the procedure of either House for the allotment of time for discussion of the matters referred to in such</p>	15 20

Parliament of matters referred to in the address.	address and for the precedence of such discussion over other business of the House.	
Right of ministers & Attorney – General as respects Houses.	72. Every minister and the Attorney-General of India shall have the right to speak in, and otherwise to take part in the proceedings of, either House, any joint sitting of the Houses and any committee of Parliament of which he may be named a member, but shall not by virtue of this article be entitled to vote.	25

Officers of Parliament

The Chairman & Deputy Chairman of the Council of States.	73. (1) The Vice-President of India shall be ex- 30 and Deputy officio Chairman of the Council of States. (2) The Council of States shall, as soon as may be, choose a member of the Council to be Deputy Chairman thereof, and so often as the office of Deputy Chairman becomes vacant the Council shall 35 choose another member to be Deputy Chairman thereof.	30 35
Vacation & resignation of, & removal from, the office of Deputy Chairman	74. A member holding office as Deputy Chairman of the Council of States— (a) shall vacate his office if he ceases to be a Member of the Council: (b) may at any time, by writing under his hand addressed to the Chairman, resign his office; and (c) may be removed from his office for incapacity or want of confidence by a resolution of the Council passed by a majority of all the then members of the Council: Provided that no resolution for the purpose of clause (c) of this article shall be moved unless at least fourteen days' notice has been given of the intention	40 5 10

	to move the resolution.	
Power of the Deputy Chairman or other persons to perform the duties of the office of, or to act as, Chairman.	<p>75.</p> <p>(1) While the office of Chairman is vacant, or during any period when the Vice-President is acting as, or discharging the functions of the, President under article 54 of this Constitution, the duties of the office shall be performed by the Deputy Chairman, or if the office of Deputy Chairman is also vacant, by such member of the Council of States as the President may appoint for the purpose.</p> <p>(2) During the absence of the Chairman from any sitting of the Council of States, the Deputy Chairman or, if he is also absent, such person as may be determined by the rules of procedure of the Council, or, if no such person is present, such other person as may be determined by the Council, shall act as Chairman.</p>	15 20 25
The Speaker & Deputy Speaker of the House of the People.	<p>76. The House of the People shall, as soon as may be, choose two members of the House to be respectively Speaker and Deputy Speaker thereof, and, so often as the office of Speaker or Deputy Speaker becomes vacant, the House shall choose another member to be Speaker or Deputy Speaker, as the case may be.</p>	30
Vacation & resignation of, & removal from, the offices of Speaker & Deputy Speaker.	<p>77. A member holding office as Speaker or Deputy Speaker of the House of the People—</p> <p>(a) shall vacate his office if he ceases to be a member of the House of the People;</p> <p>(b) may at any time by writing under his hand addressed, if such member is the Speaker, to the Deputy Speaker, and if such member is the Deputy Speaker, to the Speaker, resign his office; and</p> <p>(c) may be removed from his office for incapacity or want of confidence by a resolution of the House of the People passed by a majority of all the then members of the House:</p>	35 40 5

	<p>Provided that no resolution for the purpose of clause (c) of this article shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:</p> <p>Provided further that, whenever the House of the 10 People is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the House of the People after the dissolution.</p>	10
Power of the Deputy Speaker or other persons to perform the duties of the office of, or to act as Speaker .	<p>78.</p> <p>(1) While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker, or if the office of Deputy Speaker is also vacant, by such member of the House of the People as the president may appoint for purpose</p> <p>(2) During the absence of the Speaker from any sitting of the House of the People, the Deputy Speaker or, if he is also absent, such person as may be determined by the rules of procedure of the House, or, if no such person is present, such other person as may be determined by the House, shall act as Speaker.</p>	15 20 25
Salaries & allowances of the Chairman & Deputy chairman & the Speaker & the Deputy Speaker .	<p>79. There shall be paid to the Chairman and the allowances of Deputy Chairman of the Council of States, and to the Speaker and the Deputy Speaker of the House of the People, such salaries and allowances as may be respectively fixed by Parliament by law, and, until provision in that behalf is so made, such salaries and allowances as are specified in the Second Schedule.</p>	30

Conduct of Business

Voting in Houses; power of Houses to act	<p>80.</p> <p>(1) Save as provided in this Constitution, all questions at any sitting or joint sitting of the Houses shall be determined by a majority of votes of the members</p>	35
--	---	----

notwithstanding vacancies & quorum.	present and voting, other than the Chairman or Speaker or person acting as such.	
	The Chairman or Speaker or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.	40
	(2) Either House of Parliament shall have power to act Notwithstanding any vacancy in the membership thereof, and any proceedings in Parliament shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.	5
	If at any time during a meeting of a House, less than one-sixth of the Total number of members of the House are present, it shall be the duty of the Chairman or Speaker or person acting as such either to adjourn the House, or to suspend the meeting until at least one-sixth of the members are present.	10 15

Disqualifications of Members

Declaration by members.	81. Every member of either House of Parliament shall, before taking his seat, make and subscribe before the President, or some person appointed in that behalf by him, a declaration according to the form set out for the purpose in the Third Schedule.	20
Vacation of seats.	82. (1) No person shall be a member of both Houses of Parliament and provision shall be made by Parliament by law for the vacation by a person who is chosen a member of both Houses of his seat in one House or the other. (2) If a member of either House of Parliament— (a) becomes subject to any of the disqualifications mentioned in clause (1) of the next succeeding article; or	25 30

	<p>(b) resigns his seat by writing under his hand addressed to the Chairman or the Speaker, as the case may be, his seat shall thereupon become vacant.</p> <p>(3) If for a period of sixty days a member of either House of Parliament is without permission of the House absent from all meetings thereof, the House may declare his seat vacant:</p> <p style="text-align: center;">Provided that in computing the said period of sixty days no account shall be taken of any period during which the House is prorogued or is adjourned for more than four consecutive days.</p>	<p>35</p> <p>40</p>
<p>Disqualification for membership .</p>	<p>83.</p> <p>(1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—</p> <p>(a) if he holds any office of profit under the Government of India or the Government of any State other than an office declared by Parliament by law not to disqualify its holder;</p> <p>(b) he is of unsound mind and stands so declared by a competent court;</p> <p>(c) if he is an undischarged insolvent;</p> <p>(d) if he is under any acknowledgement of allegiance or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power; and</p> <p>(e) if he is so disqualified by or under any law made by Parliament.</p> <p>(2) For the purposes of this article a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State by reason only that—</p> <p>(a) he is a minister either</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p>

	<p>for India or for any State for the" time being specified in Part 1 of the First Schedule; or</p> <p>(b) he is a minister for any State for the time being specified in Part III of the First Schedule, if he is responsible to the Legislature of the State, or where there are two Houses of the Legislature of the State, to the Tower House of such Legislature and if not less than three-fourths of the members of such Legislature or House, as the case may be, are elected.</p>	30
Penalty for sitting & voting before making declaration under article 81 or when not qualified or when disqualified.	<p>84.</p> <p>If a person sits or votes as a member of either House of Parliament before he has complied with the requirements of article 81 of this Constitution, or when he knows that he is not qualified, or that he is disqualified for membership thereof, or that he is prohibited from so doing by the provisions of any law made by Parliament, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Government of India.</p>	35 40

Privileges and Immunities of Members

Privileges etc. of members.	<p>85.</p> <p>(1) Subject to the rules and standing orders regulating the procedure of Parliament, there shall be freedom of speech in Parliament.</p> <p>(2) No member of Parliament shall be liable to any proceedings in any court in respect of anything said or any vote given by him in Parliament or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either House of Parliament of any report, paper, vote" or proceedings.</p> <p>(3) In other respects, the privileges and immunities of members of the Houses shall be such as may from time to time be defined by Parliament by law,</p>	5 10 15
-----------------------------	---	---------------

	<p>and, until so defined, shall be such as are enjoyed by the members of the House of Commons of the Parliament of the United Kingdom at the commencement of this Constitution.</p> <p>(4) The provisions of clauses (1), (2) and (3) of this article shall apply in relation to persons who by virtue of this Constitution have the right to speak in, and otherwise take part in the proceedings of, a House of Parliament as they apply in relation to members of Parliament.</p>	20 25
Salaries & allowances of members.	<p>86.</p> <p>Members of either House of Parliament shall be entitled to receive such salaries and allowances as may from time to time be determined by Parliament by law and, until provision in that respect is so made, allowances at such rates and upon such conditions as were immediately before the date of commencement of this Constitution applicable in the case of members of the Legislature of the Dominion of India.</p>	30 35

Legislative Procedure.

Provisions as to introduce & passing of bills.	<p>87.</p> <p>(1) Subject to the provisions of articles 89 and 97 of this Constitution with respect to Money Bills and other financial Bills, a Bill may originate in either House of Parliament.</p> <p>(2) Subject to the provisions of articles 88 and 89 of this Constitution, a Bill shall not be deemed to have been passed by the Houses of Parliament unless it has been agreed to by both Houses, either without amendment or with such amendments only as are agreed to by both Houses.</p> <p>(3) A Bill pending in Parliament shall not lapse by reason of the prorogation of the Houses.</p> <p>(4) A Bill pending in the Council of States which has not been passed by the House of the People shall not</p>	40 5 10
--	--	---------------

	<p>lapse on a dissolution of the House of the People.</p> <p>(5) A Bill which is pending in the House of the People or which having been passed by the House of the People is pending in the Council of States shall, subject to the provisions of article 88 of this Constitution, lapse on a dissolution of the House of the People.</p>	<p>15</p>
<p>Joint sitting of both Houses in certain cases.</p>	<p>88.</p> <p>(1) If after a Bill has been passed by one House and Transmitted to the other House—</p> <p>(a) the Bill is rejected by the other House; or</p> <p>(b) the Houses have finally disagreed as to the amendments to be made in the Bill; or</p> <p>(c) more than six months elapse from the date of the reception of the Bill by the other House without the Bill being passed by it,</p> <p>the President may, unless the Bill has lapsed by reason of a dissolution of the House of the People, notify to the Houses by message if they are sitting or by public notification if they are not sitting, his intention to summon them to meet in a joint sitting for the purpose of deliberating and voting on the Bill:</p> <p>Provided that nothing in this clause shall apply to a Money Bill.</p> <p>(2) In reckoning any such period of six months as is referred to in clause (1) of this article, no account shall be taken of any time during which both Houses are prorogued or adjourned for more than four days.</p> <p>(3) Where the President has under clause (1) of this article notified his intention of summoning the Houses to meet in a joint sitting, neither House shall proceed further with the Bill, but the President may at any time after the date of his notification summon the Houses to meet in a joint sitting for the purpose specified in the notification and, if he does so, the Houses shall meet accordingly.</p> <p>(4) If at the joint sitting of the two Houses the Bill with such amendments, if any, as are agreed to in joint</p>	<p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>5</p>

	<p>sitting, is passed by a majority of the Total number of members of both Houses present and voting, it shall be deemed for the purposes of this Constitution to have been passed by both Houses:</p> <p>Provided that at a joint sitting—</p> <p>(a) if the Bill, having been passed by one House, has not been passed by the other House with amendments and returned to the House in which it originated, no amendment shall be proposed to the Bill other than such amendments (if any) as are made necessary by. the delay in the passage of the Bill;</p> <p>(b) if the Bill has been so passed and returned, only such amendments as aforesaid shall be proposed to the Bill and such other amendments as are relevant to the matters with respect to which the Houses have not agreed; and the decision of the person presiding as to the amendments which are admissible under this clause shall be final.</p> <p>(5) A joint sitting may be held under this article and a Bill passed thereat, notwithstanding that a dissolution of the House of the People has intervened since the President notified his intention to summon the Houses to meet therein.</p>	<p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p>
<p>Special procedure in respect of Money Bills.</p>	<p>89.</p> <p>(1) A Money Bill shall not be introduced in the Council of States.</p> <p>(2) After a Money Bill has been passed by the House of the People it shall be transmitted to the Council of States for its recommendations and the Council of States shall within a period of thirty days from the date of its receipt of the Bill return the Bill to the House of the People with its recommendations and the House of the People may thereupon either accept or reject all or any of the recommendations of the Council of States.</p> <p>(3) If the House of the People accepts any of the</p>	<p>40</p> <p>5</p>

	<p>recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both Houses with the amendments recommended by the Council of States and accepted by the House of the People.</p> <p>(4) If the House of the People does not accept any of the recommendations of the Council of States, the Money Bill shall be deemed to have been passed by both Houses in the form in which it was passed by the House of the People without any of the amendments recommended by the Council of States.</p> <p>(5) If a Money Bill passed by the House of the People and transmitted to the Council of States for its recommendations is not returned to the House of the People within the said period of thirty days, it shall be deemed to have been passed by both Houses at the expiration of the said period in the form in which it was passed by the House of the People.</p>	<p>10</p> <p>15</p> <p>20</p>
<p>Special procedure in respect of Money Bills.</p>	<p>90.</p> <p>(1) purposes of this Chapter, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the following matters, namely:—</p> <p>(a) the imposition, abolition, remission, alteration or regulation of any tax;</p> <p>(b) the regulation of the borrowing of money or the giving of any guarantee by the Government of India, or the amendment of the law with respect to any financial obligations undertaken or to be undertaken by the Government of India;</p> <p>(c) supply;</p> <p>(d) the appropriation of the revenues of India;</p> <p>(e) the declaring of any expenditure to be expenditure charged on the revenues of India or the increasing of the amount of any such expenditure;</p> <p>(f) the receipt of money on account of the revenues of India or the custody or issue of such money or the</p>	<p>25</p> <p>30</p> <p>35</p> <p>40</p>

	<p>audit of the accounts of the Government of India; or</p> <p>(g) any matter incidental to any of the matters 5 specified in items (a) to (f) of this clause.</p> <p>(2) A Bill shall not be deemed to be a Money Bill by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered or by reason that it provides for the imposition, abofition, remission, alteration or regulation of any tax by any Total authority or body for Total purposes.</p> <p>(3) If any question arises whether a Bill is a Money Bill or not, the decision of the Speaker of the House of the People thereon shall be final.</p> <p>(4) There shall be endorsed on every Money Bill when it is transmitted to the Council of States under the last preceding article, and when it is presented to the President for assent under the next succeeding article, the certificate of the Speaker of the House of the People signed by him that it is a Money Bill.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p>
Assent to Bills.	<p>91. When a Bill has been passed by the Houses of Parliament, it shall be presented to the President, and the President shall declare either that he assents to the Bill, or that he withholds assent therefrom:</p> <p>Provided that the President may, not later than six weeks after the presentation to him of a Bill for assent, return the Bill if it is not a Money Bill to the Houses with a message requesting that they will reconsider the Bill or any specified provision thereof, and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message, and the Houses shall reconsider the Bill accordingly.</p>	<p>25</p> <p>30</p> <p>35</p>

Procedure in Financial Matters

Annual Financial statement.	<p>92.</p> <p>(1) The President shall in respect of every financial year cause to be laid before both the Houses of Parliament a statement of the estimated receipts and expenditure of the Government of India for that year, in this Part of this Constitution referred to as the "annual financial statement".</p> <p>(2) The estimates of expenditure embodied in the annual financial statement shall show separately—</p> <p>(a) the sums required to meet expenditure described by this Constitution as expenditure charged upon the revenues of India; and</p> <p>(b) the sums required to meet other expenditure proposed to be made from the revenues of India and shall distinguish expenditure on revenue account from other expenditure.</p> <p>(3) The following expenditure shall be expenditure charged on the revenues of India—</p> <p>(a) the emoluments and allowances of the President and other expenditure relating to his office;</p> <p>(b) the emoluments and allowances of the Chairman and the Deputy Chairman of the Council of States and the Speaker and the Deputy Speaker of the House of the People;</p> <p>(c) debt charges for which the Government of India is liable including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;</p> <p>(d)</p> <p>(i) the salaries, allowances and pensions payable to or in respect of judges of the Supreme Court;</p> <p>(ii) the pensions payable to or in respect of judges of the Federal Court;</p> <p>(iii) the pensions payable to or in respect of judges of any High Court which exercises or immediately before the commencement of this Constitution exercised jurisdiction within any area included in the States for the time being specified in Parts I and II of the First Schedule;</p>	<p>40</p> <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p>
-----------------------------------	---	---

	<p>(e) any sums required to satisfy any judgement, decree or award of any court or arbitrate tribunal; and</p> <p>(f) any other expenditure declared by this Constitution or by Parliament by law to be so charged.</p>	5
<p>Procedure in Parliament with respect to estimates.</p>	<p>93.</p> <p>(1) So much of the estimates as relates to expenditure charged upon the revenues of India shall not be submitted to the vote of Parliament, but nothing in this clause shall be construed as preventing the discussion in either House of Parliament of any of these estimates.</p> <p>(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the House of the People and the House of the People shall have power to assent, or to refuse to assent to any demand, or to assent to any demand subject to a reduction of the amount specified therein.</p> <p>(3) No demand for a grant shall be made except on the recommendation of the President.</p>	<p>10</p> <p>15</p> <p>20</p>
<p>Authentication of schedule of authorised expenditure.</p>	<p>94.</p> <p>(1) The President shall authenticate by his signature a schedule specifying—</p> <p>(a) the grants made by the House, of the People under the last preceding article;</p> <p>(b) the several sums required to meet the expenditure charged on the revenues of India, but not exceeding in any case, the sum shown in the statement previously laid before Parliament.</p> <p>(2) The schedule so authenticated shall be laid before the House of 'the People, but shall not be open to discussion or vote in Parliament.</p> <p>(3) Subject to the provisions of the next two succeeding articles, no expenditure from the revenues of India shall be deemed to be duly authorised unless it is specified in the "schedule so authenticated.</p>	<p>25</p> <p>30</p> <p>35</p>

Supplementary statements of expenditure	<p>95. If in respect of any financial year further expenditure from the revenues of India becomes necessary over and above the expenditure theretofore authorised for that year, the President shall cause to be laid before both the Houses of Parliament a supplementary statement showing the estimated amount of that expenditure, and the provisions of the preceding articles shall have effect in relation to that statement and that expenditure as they have effect in relation to the annual financial statement and the expenditure mentioned –therein.</p>	<p>40</p> <p>5</p>
Excess grants.	<p>96. If in any financial year expenditure from the revenues of India has been incurred on any service for which the vote of the House of the People is necessary in excess of the amount granted for that service and for that year, a demand for the excess shall be presented to the House of the People and the provisions of articles 93 and 94 of this Constitution shall have effect in relation to such demand as they have effect in relation to a demand for a grant.</p>	<p>10</p> <p>15</p>
Special provisions as to financial Bills.	<p>97.</p> <p>(1) A Bill or amendment making provision for any of the matters specified in items (a) to (f) of clause (1) of article 90 of this Constitution shall not be introduced or moved except on the recommendation of the President and a Bill making such provision shall not be introduced in the Council of States:</p> <p>Provided that no recommendation shall be required under this clause for the moving of 'an amendment making provision for the reduction or abolition of any tax.</p> <p>(2) A Bill or amendment shall not be deemed to make provision for any of the matters aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services</p>	<p>20</p> <p>25</p> <p>30</p>

	<p>rendered or by reason that it provides for the imposition, abolition, remission, alteration or regulation of any tax by any Total authority or body for Total purposes.</p> <p>(3) A Bill which, if enacted and brought into operation, would involve expenditure from the revenues of India shall not be passed by either House of Parliament unless the President has recommended to that House the consideration of the Bill.</p>	35
--	---	-----------

Procedure Generally

Rules of procedure.	<p>98.</p> <p>(1) Each House of Parliament may make rules for regulating, subject to. the provisions of this Constitution, its procedure and the conduct of its business.</p> <p>(2) Until rules are made under clause (1) of this article, the rules of procedure and standing orders in force immediately before the commencement of this Constitution with respect to the Legislature of the Dominion of India shall have effect in relation to Parliament subject to such modifications and adaptations as may be made therein by the Chairman of the Council of States or the Speaker of the House of the People, as the case may be.</p> <p>(3) The President, after consultation with the Chairman of the Council of States and the Speaker of the House of the People, may make rules as to the procedure with respect to joint sittings of, and communications between, the two Houses.</p> <p>(4) At a joint sitting of the two Houses <u>the Speaker of the House of the People</u>, on in his absence such personas may be determined by rules of procedure made under clause (3) of this article, shall preside.</p>	
Language to be used in parliament.	<p>99. (1) In Parliament business shall be transacted in Hindi or English:</p> <p style="padding-left: 40px;">Provided that the Chairman of the Council of States</p>	

	<p>or the Speaker of the House of the People, as the case may be, may permit any member who cannot adequately express himself in either language to address the House in his mother tongue.</p> <p>(2) The Chairman of the Council of States or the Speaker of the House of the People may, whenever he thinks fit, make arrangements for making available in the Council of States or the House of the People, as the case may be, a summary in Hindi or English of the speech delivered by a member in any other language and such summary shall be included in the record of the proceedings of the House in which the speech has been delivered.</p>	
<p>Restrictions on discussion in Parliament.</p>	<p>100. (1) No discussion shall take place in Parliament with respect to the conduct of any judge of the Supreme Court or a High Court in the discharge of his duties except upon a motion for presenting an address to the President praying for the removal of the judge as hereinafter provided.</p> <p>(2) In this article the reference to a High Court shall be construed as including a reference to any court in a State for the time being specified in Part III of the First Schedule which is a High Court for any of the purposes of Chapter IV of this Part.</p>	
<p>Courts not to inquire into proceedings of Parliament.</p>	<p>101.</p> <p>(1) The validity of any proceedings in parliament shall not be called in question on the ground of any alleged irregularity of procedure.</p> <p>(2) No officer or other member of Parliament in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business, or for maintaining order, in Parliament shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.</p>	

CHAPTER III

Legislative Powers of the President

Power of President to promulgate Ordinances during recess of Parliament.	<p>102.</p> <p>(1) If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require.</p> <p>(2) An Ordinance promulgated under this article shall have the same force and effect as an Act of Parliament assented to by the President, but every such Ordinance—</p> <p>(a) shall be laid before both Houses of Parliament and shall cease to operate at the expiration of six weeks from the reassembly of Parliament, or, if before the expiration of that period resolutions disapproving it are passed by both Houses, upon the passing of the second of those resolutions and</p> <p>(b) may be withdrawn at any time by the President.</p> <p>Explanation:—Where the Houses of Parliament are summoned to re-assemble on different dates, the period of six weeks shall be reckoned from the later of those dates for the purposes of this clause.</p> <p>(3) If and so far as an Ordinance under this article makes any provision which Parliament would not under this Constitution be competent to enact, it shall be void.</p>	
--	---	--

CHAPTER IV-

The Federal Judicature

Establishment & constitution of Supreme Court.	<p>103.</p> <p>(1) There shall be a Supreme Court of India consisting of a Chief Justice of India and such number of other judges not being less than seven as Parliament may by law prescribe.</p> <p>(2) Every judge of the Supreme Court shall be</p>	
--	---	--

appointed by the President by warrant under his hand and seal after consultation with such of the judges of the Supreme Court and of the High Courts in the States as may be necessary for the purpose and shall hold office until he attains the age of sixty-five years:

Provided that in the case of appointment of a judge, other than the Chief Justice, the Chief Justice of India shall always be consulted:

Provided further that—

- (a) a judge may, by writing under his hand addressed to the President, resign his " office;
- (b) a judge may be removed from his office in the manner provided in clause (4).
- (3) A person shall not be qualified for appointment as a judge of the Supreme Court unless he is a citizen of India and—
 - (a) has been for at least five years a judge of a High Court of two or more such courts in succession; or
 - (b) has been for at least ten years an advocate of a High Court or of two or more such courts in succession.

Explanation 1:—In this clause 'High Court' means a High Court which exercises, or which before the commencement of this Constitution exercised, jurisdiction in any part of the territory of India.

Explanation II:—In computing for the purpose of this clause the period during which a person has been an advocate, any period during which a person held judicial office after he became an advocate, shall be included.

- (4) A judge of the Supreme Court shall not be removed from his office except by an order of the President passed after an address supported by not less than two-thirds of the members present and voting has been presented to the President by

	<p>both Houses of Parliament in the same session for such removal on the ground of proved misbehaviour or incapacity.</p> <p>(5) Parliament may by law regulate the procedure for the presentation of an address and for the investigation and proof of the misbehaviour or incapacity of a judge under the last preceding clause.</p> <p>(6) Every person appointed to be a judge of the Supreme Court shall, before he enters upon his office, make and subscribe before the President or some person appointed in that behalf by him a declaration according to the form set out for the purpose in the Third Schedule.</p> <p>(7) No person who has held office as a judge of the Supreme Court shall plead or act in any court or before any authority within the territory of India.</p>	
Salaries etc. of judges.	<p>104. <i>The judges of the Supreme Court shall be entitled to such salaries and allowances, and to such rights in respect of leave and pensions, as may from time to time be fixed by or under law made by Parliament, and until they are so fixed shall be entitled to such salaries, allowances and rights in respect of leave of absence or pension as are specified in the Second Schedule:</i></p> <p>Provided that neither the salary of a judge nor his rights in respect of leave of absence or pension shall be varied to his disadvantage after his appointment.</p>	
Appointment of acting Chief Justice.	<p>105. When the office of Chief Justice of India is vacant or when the Chief Justice is, by reason of absence or otherwise, unable to perform the duties of his office, the duties of the office shall be performed by such one of the other judges of the court as the President may appoint for the purpose.</p>	
Appointment		

of ad hoc judges.	<p>106. (1) If at any time there should not be a quorum of the judges of the Supreme Court available to hold or continue any session of the court, the Chief Justice may, after consultation with the Chief Justice of the High Court concerned, request in writing the attendance at the sittings of the court, as an ad hoc judge, for such period as may be necessary, of a judge of a High Court to be nominated by the Chief Justice of India.</p> <p>(2) It shall be the duty of the judge, who has been so nominated, in priority to other duties of his office, to attend the sittings of the Supreme Court at the time and for the period for which his attendance is required, and while so attending he shall have all the jurisdiction, powers and privileges, and shall discharge the duties, of a judge of the Supreme Court.</p>	
Attendance of retired judges at settings of the Supreme Court.	<p>107. Notwithstanding anything contained in this Chapter, the Chief Justice of India may at any time, subject to the provisions of this article, request any person who has held the office of a judge of the Supreme Court or of the Federal Court to sit and act as a judge of the Supreme Court, and every such person so requested shall, while so sitting and acting, have all the jurisdiction, powers and privileges of, but shall not otherwise be deemed to be, a judge of that court:</p> <p>Provided that nothing in this article shall be deemed to require any such person as aforesaid to sit and act as a judge of that court unless he consents so to do.</p>	
Seat of Supreme	<p>108. The Supreme Court shall be a court of record shall sit in Delhi and at such other place or places, if any, as the Chief Justice may, with the approval of the President, from time to time, appoint.</p>	
Original	<p>109. Subject to the provisions of this Constitution, the</p>	

<p>jurisdiction of the Supreme Court.</p>	<p>Supreme Court shall, to the exclusion of any other Court, have original jurisdiction in any dispute —</p> <ul style="list-style-type: none"> (a) between the Government of India and one or more States or (b) between the Government of India and any State or States on one side and one or more. other States on the other; or (c) between two or more States, <p>if in so far as the dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends:</p> <p>Provided that the said jurisdiction shall not extend to—</p> <ul style="list-style-type: none"> (i) a dispute to which a State for the time being specified in Part III of the First Schedule is a party, if the dispute arises out of any provision of a treaty, agreement, engagement, sanad or other similar instrument which was entered into or executed before the date of commencement of this Constitution and has, or has been, continued in operation after that date; (ii) a dispute to which any State is a party, if the dispute arises out of any provision of a treaty, agreement, engagement, sanad or other similar instrument which provides that the said jurisdiction shall not extend to such a dispute, 	
<p>Appellate jurisdiction of Supreme Court in appeals from High Courts in States in certain cases.</p>	<p>110. (1) An appeal shall lie to the Supreme Court from any judgement, decree or final order of a High Court in a State, whether in a civil, criminal or other proceeding, if the High Court certifies that the case involves a substantial question of law as to the interpretation of this Constitution.</p> <p>(2) Where the High Court has refused to give such a certificate, the Supreme Court may, if it is satisfied that the case involves a substantial question of law as to the interpretation of this Constitution, grant special leave to appeal from such judgement, &</p>	

	<p>decree or final order.</p> <p>(3) Where such a certificate is given, or such leave is granted, any party in the case may appeal to the Supreme Court not only on the ground that any such question as aforesaid has been wrongly decided, but also on any other ground.</p> <p>Explanation.—For the purposes of this article, the expression " final order " includes an order deciding an issue which, if decided in favour of the appellant, would be sufficient for the final disposal of the case.</p>	
<p>Appellate jurisdiction of Supreme Court in appeals from High Courts in the territory of India except the States for the time being specified in Part III of the First Schedule in other cases.</p>	<p>111. (1) An appeal shall lie to the Supreme Court from a judgement, decree or final order in a civil proceeding of a High Court in the territory of India except the States for the time being specified in Part III of the First Schedule, if the High Court certifies—</p> <p>(a) that the amount or value of the subject matter of the dispute in the court of first instance and still in dispute on appeal was and is not less than twenty thousand rupees; or</p> <p>(b) that the judgement, decree or final order involves directly or indirectly some claim or question respecting property of the like amount or value; or</p> <p>(c) that the case is a fit one for appeal to the Supreme Court;</p> <p>and, where the judgement, decree or final order appealed from affirms the decision of the court immediately below, in any case other than one referred to in clause (c), if the High Court further certifies that the appeal involves some substantial question of law.</p> <p>(2) Notwithstanding, anything contained in article 110 of this Constitution, any party appealing to the Supreme Court under clause (1) of this article may urge as one of the grounds in such appeal that the case involves a substantial question of law as to</p>	

	<p>the interpretation of this Constitution which has been wrongly decided.</p>	
<p>Special leave to appeal by the Supreme Court in certain other cases.</p>	<p>112. The Supreme Court may, in its discretion, grant special leave to appeal from any judgement, decree or final order in any cause or matter, passed or made by any court or tribunal in the territory of India except the States for the time being specified in Part III of the First Schedule, in cases where the 10 provisions of article 110 or article III of this Constitution do not apply.</p>	
<p>Reference to the Supreme Court by the High Courts in States for the time being specified in Part III of the first Schedule in certain cases.</p>	<p>113.</p> <p>(1) If in the course of any civil, criminal or other proceeding in a High Court in any State for the time being specified in Part III of the First Schedule, any question as to the applicability or interpretation of any law of Parliament or of the Legislature of any State other than such State, which is material for the determination of any issue in such proceeding, arises, the High Court may, either of its own motion or on the application of any of the parties, draw up a statement of the case with particular reference to such question with its own opinion thereon and refer such question to the Supreme Court for opinion.</p> <p>(2) The Supreme Court may, where any such High Court refuses to state a case under clause (1) of this article, require a case to be so stated.</p> <p>(3) When a case is so stated either under clause (1) or under clause (2) of this article, the High Court shall stay all proceedings until the opinion of the Supreme Court is received.</p> <p>(4) The Supreme Court shall, after giving the parties an opportunity of being heard, decide the question so referred, and shall cause a copy of its opinion to be transmitted to the High Court and such High Court shall on receipt thereof proceed to dispose of the case in conformity with the</p>	

	<p>opinion of the Supreme Court.</p> <p>(5) The Supreme Court may at any stage return any case stated under this article in order that further facts may be stated therein.</p>	
<p>Enlargement of the jurisdiction of the Supreme Court.</p>	<p>114.</p> <p>(1) The Supreme Court shall have such further jurisdiction and powers with respect to any of the matters in the Union List as Parliament may by law confer.</p> <p>(2) The Supreme Court shall have such further jurisdiction and powers with respect to any matter as the Government of India and any State may by special agreement confer, if Parliament by law provides for the exercise of such jurisdiction and powers by the Supreme Court.</p>	
<p>Conferment on the Supreme Court of powers to issue certain writs.</p>	<p>115. Parliament may, by law, confer on the Supreme Court power to issue directions or orders in the nature of the writs of habeas corpus, mandamus, prohibition, quo warranto and certiorari, or any of them, for any purposes other than those mentioned in clause (2) of article 25 (which relates to the enforcement of fundamental rights) of this Constitution.</p>	
<p>Ancillary powers of Supreme Court.</p>	<p>116. Parliament may by law make provision for conferring upon the Supreme Court such supplemental powers not inconsistent with any of the provisions of this Constitution as may appear to be necessary or desirable for the purpose of enabling the court more effectively to exercise the jurisdiction conferred upon it by or under this Constitution.</p>	
<p>Law declared by Supreme Court to be binding on all courts.</p>	<p>117. The law declared by the Supreme Court shall be binding on all courts within the territory of India.</p>	

<p>Enforcement of decrees & orders of Supreme Court & orders as to discovery, etc.</p>	<p>118.</p> <p>(1) The Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is necessary for doing, complete justice in any cause or matter pending before it, and any decree so passed or order so made shall be enforceable throughout the territory of India in such manner as may be prescribed by or under any law made by Parliament.</p> <p>(2) Subject to the provisions of any law made to this behalf by Parliament the Supreme Court shall, as respects the whole of the territory of India, have all and every power to make any order for the purpose of securing the attendance of any person, the discovery or production of any documents, or the investigation or punishment of any contempt of itself.</p>	
<p>Power of President to consult Supreme Court.</p>	<p>119.</p> <p>(1) If at any time it appears to the President that a question of law or fact has arisen, or is likely to arise, which is of such a nature and such public importance that it is expedient to obtain the opinion of the Supreme Court upon it, he may refer the question to that court for consideration and the court may, after such hearing as it thinks fit, report to the President its opinion thereon.</p> <p>(2) The President may, notwithstanding anything contained in clause (i) of the proviso to article 109 of this Constitution, refer a dispute of the kind mentioned in the said clause to the Supreme Court for decision, and the Supreme Court shall thereupon, after giving the parties an opportunity of being heard, decide the same and report the fact to the President.</p>	
<p>Civil & judicial authorities to</p>	<p>120. All authorities, civil and judicial, in the territory of India shall act in aid of the Supreme Court.</p>	

act in aid of Supreme Court.		
Rules of Court etc.	<p>121.</p> <p>(1) Subject to the provisions of any law made by Parliament, the Supreme Court may from time to time, with the approval of the President, make rules for regulating generally the practice and procedure of the Court including—</p> <p>(a) rules as to the persons practising before the court,</p> <p>(b) rules as to the procedure for hearing appeals and other matters including the time within which appeals to the Court are to be entered and the time to be allowed to advocates appearing before the court to make their submissions in respect thereof,</p> <p>(c) rules as to the costs of and incidental to any proceedings in the court and as to the fees to be charged in respect of proceedings therein,</p> <p>(d) rules as to the granting of bail,</p> <p>(e) rules as to stay of proceedings, and</p> <p>(f) rules providing for the summary determination of any appeal which appears to the court to be frivolous or vexatious or brought for the purpose of delay.</p> <p>(2) The minimum number of judges who are to sit for the purpose of deciding any case involving a substantial question of law as to the interpretation of this Constitution, or for the purpose of hearing any reference under article 119 of this Constitution shall be five:</p> <p>Provided that it shall be open to every judge to sit for the said purposes unless owing to illness, personal interest or other sufficient cause he is unable to do so.</p> <p>(3) No opinion for the purpose of any report under article 119 of this Constitution and no judgement shall be delivered by the Supreme Court save in open court.</p>	

	<p>(4) No such report shall be made and no judgement shall be delivered by the Supreme Court save with the concurrence of a majority of the judges present at the hearing of the case, but nothing in this clause shall be deemed to 'prevent a judge who does not concur from delivering a dissenting opinion or judgement.</p>	
<p>Salaries , Allowances & pensions of officers & servants & Expenses of the Supreme Court.</p>	<p>122.</p> <p>(1) The salaries, allowances and pensions payable to or in respect of the officers and servants of the Supreme Court shall be fixed by the Chief Justice of India in consultation with the President.</p> <p>(2) The administrative expenses of the Supreme Court, including all salaries, allowances and pensions payable to or in respect of the officers and servants of the court, shall be charged upon the revenues of India, and any fees or other moneys taken by the court shall form part of those revenues.</p>	
<p>Construction of references to High Courts in States specified in Part III of the First Schedule.</p>	<p>123.</p> <p>(1) References in articles 103 and 106 of this Chapter to a High Court in, or exercising jurisdiction in, a State for the time being specified in Part III of the First Schedule shall be construed as references to any court which the President may, upon being satisfied after consultation with - the Supreme Court and the Ruler of the State that such court is a court comparable to any of the High Courts in the States for the time being specified in Part I of that Schedule, declare to be a High Court for the purposes of those articles.</p> <p>(2) References in articles 110 and 113 of this Chapter to a High Court in a State for the time being specified in Part III of the First Schedule shall be construed as references to the court of final jurisdiction in the State with regard to the proceeding in respect of which an appeal or reference is provided for in those articles.</p>	

--	--	--

CHAPTER V-Auditor-General of India

<p>Auditor General of India.</p>	<p>124.</p> <p>(1) There shall be an Auditor-General of India, who shall be appointed by the President and shall only be removed from office in like manner and on the like grounds as a judge of the Supreme Court.</p> <p>(2) The salary, allowances and other conditions of service of the Auditor-General shall be such as may be determined by Parliament by law and until they are so determined shall be as specified in the Second Schedule:</p> <p style="padding-left: 40px;">Provided that neither the salary of an Auditor-General nor his rights in respect of leave of absence, pension or age of retirement shall be varied to his disadvantage after his appointment.</p> <p>(3) The Auditor-General shall not be eligible for 5 further office either under the Government of India or under the Government of any State after he has ceased to hold his office.</p> <p>(4) The salaries, allowances and pension is payable to or in respect of members of the staff of the Auditor General shall be fixed by Auditor-General in consultation with the President.</p> <p>(5) The salaries, allowances and pensions payable to or in respect of the Auditor-General and members of his staff shall be charged upon the revenues of India.</p>	
<p>Duties & powers of Auditor General.</p>	<p>125. The Auditor-General shall perform such duties and exercise such powers in relation to the accounts of the Government of India and of the Government of any State as are or may be prescribed by or under any law made by Parliament.</p> <p>Explanation.—In this article the expression "law made by Parliament" includes any existing law for</p>	

	the time being in force in the territory of India.	
Power of Auditor General Of India to give directions as to accounts.	126. The accounts of the Government of India shall be kept in such form as the Auditor-General of India may, with the approval of the President, prescribe and, in so far as the Auditor-General of India may, with the like approval, give any directions with regard to the methods or principles in accordance with which any accounts of the Government of any State ought to be kept, it shall be the duty of the Government of the State to cause accounts to be kept accordingly.	
Audit Reports.	127. The reports of the Auditor-General of India relating to the accounts of the Government of India shall be submitted to the President, who shall cause them to be laid before Parliament.	

PART VI

The States in Part I of the First Schedule

Definitions	128. In this Part, unless the context otherwise requires, the expression "State" means a State for the time being specified in Part I of the First Schedule.	
-------------	---	--

CHAPTER I—GENERAL

CHAPTER II—THE EXECUTIVE

The Governor

Governors of States.	129. There shall be a Governor for each State.	
Executive Power of States.	130. (1) The executive power of the State Shall be vested in the Governor and may be exercised by him in	

	<p>accordance with the Executive Power of States. Constitution and the law.</p> <p>(2) Nothing in this article shall—</p> <p>(a) be deemed to transfer to the Governor any functions conferred by any existing law on any other authority;</p> <p>or</p> <p>(b) prevent Parliament or the Legislature of the State from conferring by law functions on any authority subordinate to the Governor.</p>	
<p>Election of governor</p> <p>Appointment of Governor.</p>	<p>131. The Governor of a State shall be elected by direct vote of all persons who have the right to vote at a general election for the Legislative Assembly of the State.</p> <p style="text-align: center;">Alternatively</p> <p>131. The Governor of a State shall be appointed by the President by warrant under his hand and seal from a panel of four candidates to be elected by the members of the Legislative Assembly of the State, or, where there is a Legislative Council in the State, by all the members of the Legislative Assembly and of the Legislative Council of the State assembled at a joint meeting, in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.</p>	
<p>Term of office of Governor.</p>	<p>132. The Governor shall hold office for a term of <u>five years</u> from the date on which he enters upon his office:</p> <p>Provided that—</p> <p>(a) a Governor may, by resignation under his hand addressed to the Speaker of the Legislative Assembly of the State or where there are two Houses of the Legislature of the State, to the Speaker of the Legislative Assembly and the Chairman of the Legislative Council of the State, resign his office;</p> <p>(b) a Governor may, for <u>violation of the Constitution</u>, be</p>	

	<p>removed from office by impeachment in the manner provided in article 137 of this Constitution;</p> <p>(c) a Governor shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.</p>	
<p>Eligibility for re-election/re-appointment as Governor.</p>	<p>133. A person who holds, or who has held, office as Governor shall be eligible for re-election/<u>reappointment</u> to that office once, but only once.</p>	
<p>Qualifications for election as Governor.</p>	<p>134.</p> <p>(1) No person shall be eligible for election as Governor unless he is a citizen of India and has completed the age of thirty five years.</p> <p>(2) A person shall not be eligible for election as a Governor of a State—</p> <p>(a) if he is disqualified for being chosen as a member of the Legislative Assembly of the State:</p> <p>Provided that it shall not be necessary for any such person to be a resident of the State; or</p> <p>(b) if he holds any office or position of emolument under the Government of India or the Government of any State for the time being specified in the First Schedule, or under any Total or other authority subject to the control of any of the said Governments.</p> <p>Explanation.—For the purposes of this clause a person shall not be deemed to hold any office or position of emolument by reason only that—</p> <p>(a) he is a minister either for India or for any State for the time being specified in Part I of the First Schedule; or</p> <p>(b) he is a minister for any State for the time being specified in Part III of the First Schedule, if he is responsible to the Legislature of the State, or, where there are two Houses of the Legislature of the State, to the Lower House of such Legislature, and if not</p>	

	less than three-Fourths of the members of such Legislature or House, as the case may be, are elected.	
Qualifications for appointment as Governor.	<p style="text-align: center;">Alternatively</p> <p>134.</p> <p>(1) No person shall be eligible for appointment as Governor unless he is a citizen of India and has completed the age of thirty-five years.</p> <p>(2) A person shall not be eligible for appointment as Governor of a State if he is disqualified for being chosen as a member of the Legislative Assembly of the State;</p> <p>Provided that it shall not be necessary for any such person to be a resident of the State.</p>	
Conditions of Governor's office.	<p>135.</p> <p>(1) The Governor shall not be a member either of Parliament or of the Legislature of any State for the time being specified in the First Schedule, and if a member of Parliament or of the Legislature of any such State be elected/ <u>appointed</u> Governor, he shall be deemed to have vacated his seat in Parliament or such Legislature, as the case maybe, on the date on which he enters upon his office as Governor.</p> <p>(2) The Governor shall not hold any other office or position of emolument.</p> <p>(3) The Governor shall have an official residence, and there shall be paid to the Governor such emoluments and allowances as may be determined by the Legislature of the State by law and, until - provision in that behalf is so made, such emoluments and allowances as are specified in the Second Schedule.</p> <p>(4) The emoluments and allowances of the Governor shall not be diminished during his term of office.</p>	

<p>Affirmation or oath by the Governor or person discharging the functions of the Governor before entering office.</p>	<p>136.</p> <p>Every Governor and every person discharging the functions of the Governor shall before entering upon his office make and subscribe in the presence of the members of the Legislature of the State an affirmation or oath in the following form, that is to say:-</p> <p>"I, A. B., do solemnly affirm (or swear) that I will faithfully execute the office of Governor (or discharge the functions of the Governor) of—(name of the State) and will to the best of my ability preserve, protect and defend the Constitution and the law and that I will devote myself to the service and well-being of the people of—(name of the State)."</p>	
<p>Procedure for impeachment of the Governor.</p>	<p>137.</p> <p>(1) When a Governor is to be impeached for violation of the Constitution, the charge shall be preferred by the Legislative Assembly of the State.</p> <p>(2) No such charge shall be preferred unless—</p> <p>(a) the proposal to prefer such charge is contained in a resolution which has been moved after a notice in writing signed by not less than thirty members of the Assembly has been given of their intention to move the resolution, and</p> <p>(b) the resolution has been supported by not less than two-thirds of the Total membership of the Assembly.</p> <p>(3) When a charge has been so preferred, the Speaker of the Assembly shall inform the Chairman of the Council of States and thereupon the Council of States shall appoint a committee which may consist of or include persons who are not members of the Council, to investigate the charge and the Governor shall have the right to appear and to be represented at such investigation.</p> <p>(4) If as a result of the investigation a resolution is passed, supported by not less than two-thirds of the Total membership of the Council of States declaring that the charge preferred against the Governor has been sustained, such resolution shall have the</p>	

	effect of removing the Governor from his office as from the date on which the resolution is communicated to the Speaker of the Assembly.	
Power of the Legislature of the State/the President to provide for the discharge of the functions of the Governor in certain contingencies.	<p>138.</p> <p>The Legislature of a State may make such 20 provision as it thinks fit/The President may make such provision as he thinks fit for the discharge of the functions of the Governor of the/a State in any contingency not provided for in this Chapter.</p>	
Time of holding elections/time of holding elections to constitute a panel for the filling of vacancies in the office of the Governor.	<p>139.</p> <p>(1) An election/<u>An election to constitute a panel</u> for the purpose of filling a vacancy caused by the expiration of the term of office of a Governor shall be completed before the expiration of the term.</p> <p>(2) An election /<u>An election to constitute a panel</u> for the purpose of filling a vacancy in the office of Governor occurring by reason of his death, resignation or removal or otherwise shall be held as soon as possible after the occurrence of the vacancy and the person elected/appointed to fill the vacancy shall be entitled to hold office for the full term of five years as provided in article 132 of this Constitution.</p>	
Matters relating to or connected with the election of a Governor/the election to constitute a panel for the appointment of a	<p>*140.</p> <p>(1) All doubts and disputes arising out of or in connection with the election of a Governor/the election to constitute a panel for the purpose of the appointment of a Governor shall be inquired into and decided by the Supreme Court whose decision shall be final.</p> <p>(2) Subject to the provisions of this Constitution, the Legislature of the State may, by law, regulate any matter relating to or connected with the election of a Governor/<u>the election to constitute a panel for the</u></p>	

Governor.	<u>purpose of the appointment of a Governor</u>	
Power of Governor to grant pardons, etc., & to suspend, remit or commute sentences in certain cases.	141. The Governor of a State shall have the power to grant pardons, reprieves, respites or remissions of punishment, or to suspend, remit or commute the sentence, of any person convicted of any offence against any law relating to a matter with respect to which the Legislature of the State has power to make laws.	
Extent of executive power of States.	142. Subject to the provisions of this Constitution, the executive power of each State shall extend— (a) to the matters with respect to which the Legislature of the State has power to make laws, and (b) to the exercise of such rights, authority and jurisdiction as are exercisable under any agreement entered into with any State or group of States for the time being specified in Part III of the First Schedule under article 236 or article 237 of this Constitution.	

Council of Ministers

Council of ministers to aid & advice Governor.	143. (1) There shall be a Council of ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions, except in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion. (2) If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Constitution required to act in his discretion, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion. (3) The question whether any, and if so what, advice was tendered by ministers to the Governor shall not be inquired into in any court.	
--	--	--

Other provisions as to ministers.	<p>144.</p> <p>(1) The Governor's ministers shall be appointed by him and shall hold office during his pleasure:</p> <p>Provided that in the States of Bihar, Central 35 Provinces and Berar and Orissa, there shall be a minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and backward classes or any other work.</p> <p>(2) Before a minister enters upon his office, the Governor shall administer to him the oaths of office and of secrecy according to the forms set out for the purpose in the Third Schedule.</p> <p>(3) A minister who, for any period of six consecutive months, is not a member of the Legislature of the State shall at the expiration of that period cease to be a minister.</p> <p>(4) In choosing his ministers and in his relations with them the Governor shall be generally guided by the Instructions set out in the Fourth Schedule, but the validity of anything done by the Governor shall not be called in question on the ground that it was done otherwise than in accordance with such Instructions.</p> <p>(5) The salaries and allowances of ministers shall be such as the Legislature of the State may from time to time by law determine and, until the Legislature of the State so determine, shall be as specified in the Second Schedule.</p> <p>(6) The functions of the Governor under this article with respect to the appointment and dismissal of ministers shall be exercised by him in his discretion.</p>	
-----------------------------------	--	--

The Advocate- General for the State

Advocate General for the State.	<p>145.</p> <p>(1) The Governor of each State shall appoint a person who is qualified to be appointed a judge of a High Court, to be Advocate-General for the State.</p> <p>(2) It shall be the duty of the Advocate-General to give advice to the Government of the State upon such</p>	
---------------------------------	---	--

	<p>legal matters and to perform such other duties of a legal character as may from time to time be referred or assigned to him by the Governor, and to discharge the functions conferred on him by or under this Constitution or any other law for the time being in force.</p> <p>(3) The Advocate-General shall retire from office upon the resignation of the Chief Minister in the State, but he may continue in office until his successor is appointed or he is re-appointed.</p> <p>(4) The Advocate-General shall receive such remuneration as the Governor may determine.</p>	
--	--	--

Conduct of Government Business

<p>Conduct of business of the Government of a State.</p>	<p>146. (1) All executive action of the Government of a State shall be expressed to be taken in the name of the Governor.</p> <p>(2) Orders and other instruments made and executed in the name of the Governor shall be authenticated in such manner as may be specified in rules to be made by the Governor, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Governor.</p>	
<p>Duties of Chief Minister as respects the furnishing of information to Governor, etc.</p>	<p>147. It shall be the duty of the Chief Minister of each State—</p> <p>(a) to communicate to the Governor of the State all decisions of the Council of ministers relating to the administration of the affairs of the State and proposals for legislation;</p> <p>(b) to furnish such information, relating to the administration of the affairs of the State and proposals for legislation as the Governor may call for; and</p> <p>(c) if the Governor so requires, to submit for the consideration of the Council of ministers any matter on which a decision has been taken by a minister but which has not been considered by the Council.</p>	

--	--	--

[Continued...](#)